

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24756 of 2016

Arising Out of PS.Case No. -102 Year- 2015 Thana -BENIPATTI District- MADHUBANI

- =====
1. Bechan Paswan Son of late Laxman Paswan
 2. Dukhi Paswan Son of late Garbhu Paswan
 3. Bechan Paswan Son of Laxmi Paswan.
 4. Kamlesh Paswan Son of Laxmi Paswan
 5. Mahabir Paswan Son of Ram Udgar Paswan
- All Resident of Village- Birauli, PS- Benipatti District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 14.06.2016 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Benipatti P.S. Case no. 102/2015 registered under sections 302,
120B/34 of the Indian Penal Code.

The dead body of the deceased was found hanging
with ceiling on 6.5.2015 and the informant gave his statement
on the same day in presence of his Mause, namely, Shiv
Nandan Paswan and in the said statement, he did not express
suspicion against any person. On the basis of the aforesaid
statement of the informant, UD case no. 5/2015 was registered.
The present case was lodged on 21.5.2015 and in the present
case, informant stated that it were petitioners who committed

the murder of the deceased and this fact was also disclosed by the informant that prior to occurrence, deceased had disclosed to Shiv Nandan Paswan who happens to be Mause of the informant that petitioners had given threatening to kill the deceased.

Learned counsel appearing for the petitioners submits that the present case was brought by informant against the petitioners at the behest of one Ram Bharos Paswan against whom petitioner no.4 lodged Benipatti P.S. Case no. 61/2014. It is further submitted that petitioners are agnates of the informant and, as a matter of fact, deceased committed suicide for the reasons best known to the deceased and taking advantage of the incident, informant lodged this false case against the petitioners at the direction of the said Ram Bharos Paswan.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Benipatti, Madhubani in Benipatti P.S. Case no. 102/2015 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)